THE CHARTER

Granted by Their Majeſties

King WILLIAM

AND

Queen MARY,

To the

INHABITANTS

Of the

PROVINCE

OF THE

Maſſachuſetts-Bay

IN

New-England.

BOSTON in *NEW-ENGLAND.*

Printed by *Bartholomew Green*, and *John Allen*, (Printers to His Excellency the GOVERNOUR & COUNCIL,) for, and Sold by *Michael Perry*, and *Benjamin Eliot.*

1699.

ACTS and LAWS,

Paſſed by the Great & General Court or Aſſembly of His Majeſties Province of the *Maſſachuſetts-Bay*, in *New-England*: Begun and Held at *Boſton*, on *Wedneſday* the Twenty-ninth of *May*, 1700.

An Act againſt Jeſuits & Popiſh Prieſts.

WHEREAS *divers Jeſuits, Prieſts & Popiſh Miſſionaries have of late come & for ſome time have had their reſidence in the remote parts of this Province, and other His Majeſties Territory's near adjacent; who by their ſubtile Inſinuations, induſtriouſly labour to debauch, ſeduce & withdraw the Indians from their due Obedience unto His Majeſty, and to excite and ſtir them up to Sedition, Rebellion and open Hoſtility againſt His Majeſties Government.*

For prevention whereof,

Be it Enacted by His Excellency the Governour, Council and Repreſentatives, in General Court Aſſembled: And it is Enacted by the Authority of the ſame, That all and every Jeſuit, Seminary Prieſt, Miſſionary, or other Spiritual or Eccleſiaſtical Perſon made or ordained by any Authority, Power or Juriſdiction derived, challenged or pretended from the Pope or See of *Rome*, now reſiding within this Province or any part thereof, ſhall depart from and out of the ſame, at or before the tenth day of *September* next, in this preſent year, One Thouſand and Seven Hundred.

Jeſuits, Prieſts, &c. to depart the Province by the 10th of *September*

And be it further Enacted by the Authority aforeſaid, That all and every Jeſuit, Seminary Prieſt, Miſſionary or other Spiritual or Eccleſiaſtical perſon made or ordained by any Authority, Power or Juriſdiction, derived, challenged or pretended from the Pope or See of *Rome*, Or that ſhall profeſs himſelf, or otherwiſe appear to be ſuch by practiſing and teaching of others to ſay any Popiſh Prayers, by celebrating Maſſes, granting of Abſolutions, or uſing any other of the Romiſh Ceremonies and Rites of Worſhip, by or of what name, title or degree ſoever ſuch perſon ſhall be called or known, who ſhall continue, abide, remain or come into this Province, or any part thereof, after the Tenth Day of *September* aforeſaid, ſhall be deemed and accounted an Incendiary, and diſturber of the Publick Peace and Safety, and an Enemy to the true Chriſtian Religion, and ſhall be adjudged

Penalty on Jeſuits or Prieſts, &c. that ſhall remain or come into this Province after the 10th of *September*, 1700.

judged to ſuffer perpetual Impriſonment, And if any perſon being ſo Sentenced and actually Impriſoned, ſhall break Priſon and make his Eſcape, and be afterwards re-taken, he ſhall be puniſhed with Death.

Penalty for receiving or harbouring any Jeſuit or Prieſt.

And further it is Enacted, That every perſon which ſhall wittingly and willingly receive, relieve, harbour, conceal, aid or ſuccour any Jeſuit, Prieſt, Miſſionary, or other Eccleſiaſtical Perſon of the Romiſh Clergy, knowing him to be ſuch, ſhall be fined *Two Hundred Pounds*, one moiety thereof to be unto His Majeſty, for & towards the Suport of the Government of this Province, and the other moiety to the Informer; and ſuch perſon ſhall be further puniſhed by being ſet in the Pillory on three ſeveral days, and alſo be bound to the good behaviour at the diſcretion of the Court.

How offences againſt this Act ſhall be enquired of and determined.

And be it alſo Enacted, That every Offence to be committed or done againſt the Tenour of this Act, ſhall and may be enquired of, heard and determined in the Court of Aſſize and General Goal Delivery, or before Commiſſioners of Oyer and Terminer and Goal Delivery, ſpecially to be appointed to Sit either within the County where the Offence is committed, or where the Offender is apprehended or taken, or in any other County within the Province. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Juſtices of the Peace to apprehend perſons ſuſpected to be Jeſuits or Prieſts.

And further be it Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for every Juſtice of the Peace to cauſe any perſon or perſons ſuſpected of being a Jeſuit, Seminary Prieſt, or of the Romiſh Clergy to be apprehended and convented before himſelf or ſome other of His Majeſties Juſtices. And if ſuch perſon do not give a ſatisfactory account of himſelf, he ſhall be committed to Priſon in order to a Tryal.

Any perſon without a warrant may apprehend any Jeſuit or Prieſt.

Alſo it ſhall and may be lawful to and for any perſon or perſons to apprehend without a Warrant, any Jeſuit, Seminary Prieſt, or other of the Romiſh Clergy as aforeſaid, and to convent him before the Governour, or any two of the Council, to be Examined and Impriſoned in order to a Tryal; unleſs he give a ſatisfactory account of himſelf.

Reward.

And as it will be eſteemed and accepted as a good Service done for the King by the perſon who ſhall Seiz and apprehend any Jeſuit, Prieſt, Miſſionary, or Romiſh Eccleſiaſtick as aforeſaid; ſo the Governour with the Advice and Conſent of the Council may ſuitably reward him as they ſhall think fit.

Saving for any of the Romiſh Clergy, that ſhall be Shipwreckt, &c.

Provided, this Act ſhall not extend or be conſtrued to extend unto any of the Romiſh Clergy which ſhall happen to be Shipwrackt, or through other adverſity ſhall be caſt on Shoar or driven into this Province, ſo as he continue or abide no longer within the ſame than until he may have opportunity of paſſage for his departure, ſo alſo as ſuch perſon immediately upon his arrival ſhall forthwith attend the Governour if near to the place of his reſidence, or otherwiſe on one or more of the Council or next Juſtices of the Peace, and acquaint them with his Circumſtances, and obſerve the directions which they ſhall give him, during his ſtay in the Province.

An

An Act for the Regulating of Prisons, and to prevent Escapes.

Be it Enacted by His Excellency the Governour, Council and Representatives, in General Court Assembled, and it is Enacted by the Authority of the same, That every Goaler or Keeper of the Kings Prisons within the several Countys in this Province, at the opening of the Court of Assize and General Goal Delivery, Court of Oyer and Terminer, and Court of General Sessions of the Peace, respectively to be holden within such County from time to time, shall return a List & Certify unto such Court the Names of all Prisoners then in his Custody, with the cause of their commitment; And also the Names of all other Prisoners that shall be committed unto him during the Sitting of any such Court, whereby the Justices of said Courts respectively may take cognizance thereof, and as well for the King as for the Parties, may proceed to make deliverance of such Prisoners according to Law, for the Crimes proper to the Jurisdiction of such Court; On pain that every Goaler or Prison-Keeper for each default by him made in that respect, shall forfeit such Sum as shall be set upon him, by the Justices of the Court, not exceeding *Ten Pounds.*

Prison-keepers to return a List of their Prisoners.

Be it further Enacted by the Authority aforesaid, That whosoever breaketh Prison, or shall make his Escape from an Officer, after his being Arrested or Imprisoned for any Crime, his breach of Prison or Flight shall be accounted and esteemed in the Law one Evidence to Convict him of the Crime wherewith he stands charged, in the Warrant for his Apprehension or Commitment.

Prison breach or flight to be accounted one Evidence.

And if any person whatsoever, shall directly or indirectly by any ways or means howsoever convey any Instrument, Tool or other thing whatsoever to any Prisoner, or into the Prison, whereby such Prisoner or any other Prisoner either may or might break Prison, or work him or her self unlawfully out of the same, every person so offending, and being thereof convicted, shall forfeit and pay such Fine, as by the discretion of the Court shall be imposed and set upon such Offender, according to the nature of the cause of the Prisoners Commitment, not exceeding *Twenty Pounds*, or suffer corporal punishment by Whipping, not exceeding *Twenty Stripes.*

Penalty on persons that shall convey any Instrument or Tool into the Prison.

And if it happen any Prisoner or Prisoners to make his or their Escape by means of any Instrument, Tool or other thing conveyed as aforesaid, the person or persons conveying the same, shall be fined not exceeding *Five Hundred Pounds*, or be corporally punished by Whipping, not exceeding *Thirty Nine Stripes*, and find Sureties for the good behaviour during the space of one year at the discretion of the Court according to the nature of the Crime or Crimes wherewith the Prisoner or Prisoners stood charged in their Mittimus's or Warrants of Commitment, and other circumstances aggravating the Offence. And if any Prisoner or Prisoners so escaping shall stand Convict of any Capital Crime, the person or persons assisting or furthering their Escape as aforesaid, over and above their being fined or corporally punished as before is directed and bound to the behaviour, shall also be stigmatized or burned in the Forehead or on the Cheek, with a hot Iron of the figure of the Letter B.

Further Penalty in case any Prisoner by means of such Instrument, &c. do Escape.

And further it is Enacted by the Authority aforesaid, That if the Prisoner or Prisoners so Escaping were Imprisoned for Debt,

Escape of Prisoners for Debt.

the person or persons assisting and furthering their Escape as aforesaid, shall be liable to pay the full Debt owing to the Creditor or Creditors at whose Suit such Prisoner or Prisoners stood committed, to be recovered by action or actions, upon the Case therefore to be brought against the person or persons so offending as aforesaid, who shall also be fined or corporally punish't as aforesaid, at the discretion of the Court, not exceeding the fine or punishment before-mentioned.

Penalty on the Goaler for a voluntary Escape.

And be it further Enacted, That every Goaler or Prison-Keeper that shall voluntarily suffer any Prisoner or Prisoners committed to his Custody to Escape, upon due conviction thereof, shall undergo and suffer the like pains and penalties as the Prisoner or Prisoners so escaping should by Law for the Crime or Crimes wherewith he or they stood charged by the Warrant or Warrants of Commitment, if the Prisoner or Prisoners had hereof been convict.

Proviso.

Provided, That if any person assisting and furthering the Escape of any Prisoner in manner as aforesaid, or if the Keeper of the Prison that shall voluntarily suffer to Escape as aforesaid, shall by any ways or means recover any Prisoner or Prisoners so escaping, and return them back to Prison again before prosecution had, and Judgment entred up against such person or Prison Keeper for such Escape, (which shall not be until six months past next after the Escape,) in such case the person or Prison-Keeper so offending shall be liable to no further punishment than to pay such Fine as the Court that shall have cognizance thereof, in their discretion shall think fit to set upon him, according as the offence may be aggravated by the circumstances attending the same, and the degree of the Crime wherewith the Prisoner stands charged.

For a negligent Escape.

And in case the escape of any Prisoner happen through the negligence of the Goaler or Prison-Keeper, he shall pay such Fine as the Justices of the Court in their discretion before whom the Prosecution shall be, shall impose and set upon him according to the nature or degree of the offence, for which the Prisoner escaping was taken and imprisoned. And if the Prisoner so escaping were Imprisond for Debt, the Prison Keeper shall be answerable to the Creditor for the full Debt, and he shall have his remedy against the Prisoner.

Fines and Forfeitures how to be applyed.

All fines and forfeitures arising by virtue of this Act, shall be applied to and for the repairing, maintaining and upholding of the Prison within the County where the offence shall be committed, And be paid in to the County Treasurer to be imployed accordingly and not otherwise.

Escape of debtors thro' defect of the Prisons to be answered by the County.

And be it further Enacted by the Authority aforesaid, That where the Escape of any Prisoner or Prisoners for Debt shall happen through the defect or insufficiency of any Prison, from and after the Twenty fifth Day of *March* next, in the year One Thousand Seven Hundred and One, the County shall make good such Debt as the Prisoner so escaping did justly owe unto the Creditor or Creditors, at whose Suit he was Imprisoned, and the County shall have their remedy against the Prisoner.

Prisons to be Erected in each Shire or County Town.

And further it is Enacted, That there be sufficient Prisons forthwith provided within the several Counties, and from time to time kept so. And that the said Prisons be Erected and Maintained in the Shire, or County Town of each County respectively, and in such other Towns as the Court of General Sessions shall see needful. And the Court of General Sessions of the Peace holden in the several Counties are to give effectual Order thereabout.

Any Law, Custom or Usage to the contrary notwithstanding.

An Act relating unto the Office and Duty of a Coroner.

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every Coroner within the County for which he is appointed, ſhall be, and hereby is Impowred to take Inqueſt's of Felonies, and other violent and caſual deaths committed, or hapning within his Precincts. Coroners to take Inqueſts on dead bodies.

And before he undertake the Execution of his ſaid Office, ſhall take the following Oath for his due and faithful performance thereof, before the Governour, Lieutenant Governour, or any two or more of the Council, or ſuch other perſon or perſons as ſhall be thereto appointed by the Governour. To be Sworn.

That is to ſay,

YOU Swear, *That well and truly you ſhall Serve Our Soveraign Lord the King, in the Office of a Coroner, and as one of His Majeſties Coroners of the County of S. And therein you ſhall truly and diligently do and accompliſh all and every thing and things appertaining to your Office, after the beſt of your cunning, wit and power, for the profit and good of the Inhabitants within the ſaid County; taking ſuch Fees as you ought to take by Law, and not otherwiſe.* So help you God. Coroners Oath.

And be it further Enacted by the Authority aforeſaid, That when and ſo ſoon as any Coroner ſhall be Certified of the dead Body of any perſon ſuppoſed to have come to a violent and untimely death, found or lying within his County or Precinct, he ſhall make out his Warrant directed unto the Conſtables of the ſame Town where ſuch dead body lyes, or of three or four of the next adjacent Towns, (if need be) Requiring them forthwith to Summon a Jury of good and lawful men of the ſame Town, or ſuch number as ſhall be ſufficient with thoſe ſent for from the Neighbouring Towns to make up Eighteen in all, to appear before him at time and place in the ſaid Warrant expreſt, which Warrant ſhall be made in this form, *viz.* Coroner to make out warrants for Jurors.

Suffolk ſſ.

To the Conſtables of B. *Or to any or either of them. Greeting.*

THeſe are in His Majeſties Name to Require you immediately upon the receipt and ſight hereof to Summon and Warn good and lawful men of the ſaid Town, to be and appear before me, one of the Coroners of the ſaid County of *S.* at houſe or place within the ſaid Town of *B* betwixt the hours of and of the Clock in the noon of this preſent day of then and there to enquire upon Form of the Warrant.

upon the view of the Body of a certain perſon there lying dead, how and in what manner he came to his death; Fail not herein at your peril, as you will anſwer the contrary. Given under my Hand and Seal at *B* the day of In the Year of our Lord And in the Year of His Majeſties Reign.

By me *W. G.* one of the Coroners of the County above-ſaid.

Conſtables to Execute the Coroners Warrant.

And every Conſtable unto whom any ſuch Warrant ſhall come, ſhall forthwith Execute the ſame, and repair unto the place at the time therein mentioned, and make return of the Warrant, with his doings therein unto the Coroner that granted the ſame.

Penalty for default.

Penalty for Jurors default.

And every Conſtable failing of performing his duty by ſuch Warrant required of him, or returning the ſame as aforeſaid, ſhall forfeit the Sum of *Forty Shillings*. Alſo every perſon Summoned and Warned to be a Juror failing to appear accordingly, ſhall alſo forfeit the Sum of *Forty Shillings*, without a reaſonable excuſe for the ſame be made unto, and allowed of by the Coroner. The aforeſaid ſeveral Fines or Forfeitures to be to and for the defreying of the Charges ariſing and happning within the ſame County, and towards the defreying the neceſſary Charges of the Coroner and Jurors, to be recovered by Action, Bill, Plaint or Information, therefore to be brought by the Coroner in any of His Majeſties Courts of Record.

Fines how to be applyed.

And the Coroner ſhall Swear Fourteen or more of the Jurors that appear and give the Foreman (to be by him appointed) his Oath upon view of the Body in this Form. *That is to ſay,*

Jurors Oath.

YOU ſhall diligently enquire, and true preſentment make on the behalf of our Soveraign Lord the King; how and in what manner A. B. *here lying dead came to his death: And you ſhall deliver up to me His Majeſties Coroner a true Verdict thereof according to ſuch Evidence as ſhall be given to you, and according to your knowledge.* So help you God.

And then ſhall Swear the reſt of the Jurors by three or four at once in this Form, *viz.*

ALL ſuch Oath as I. M. *the Foreman of this Inqueſt for his part hath taken, You and every one of you ſhall well and truly obſerve and keep on your parts.* So help you God.

Coroners charge to the Jurors.

The Jury being Sworn, the Coroner ſhall give them a charge upon their Oaths to declare of the death of the perſon, whether he dyed of Felony, or by miſchance and accident? And if of Felony, whether of his own or of anothers? And if by miſchance or misfortune, whether by the Act of God, or of man? And if he dyed of anothers Felony, who were principals and who acceſſaries? Who threatned him of his life or members, with what Inſtrument he was ſtruck or wounded, and ſo of all prevailing circumſtances that can come by Preſumption.

And if by Miſchance or Accident, by the act of God or man, whether by hurt, fall ſtroke, drowning or otherwiſe, to enquire of the perſons that were preſent, the finders of the Body, his Relations or Neighbours: Whether he was kill'd in the ſame place or elſewhere; And if elſewhere, by whom, and how he was thence brought, and of all other circumſtances.

And

And if he dyed of his own Felony, then to enquire of the manner, means or Inſtrument, and circumſtances concurring.

Proclamation to be made.

After the Jury being charged, they muſt ſtand together and let Proclamation be made for any that can give Evidence, to draw near, and they ſhall be heard.

Warrant to be ſent out for Witneſſes

And every Coroner is hereby further Impowred to ſend out his Warrant for Witneſſes, commanding them to come to be Examined before him, and to declare their knowledge concerning the matter in queſtion. And to adminiſter an Oath unto the Witneſſes in this Form. *That is to ſay,*

Witneſſes Oath.

ALL ſuch Evidence as you ſhall give to this Inqueſt concerning the death of A. B. *here lying dead, ſhall be the truth, the whole truth, and nothing but the truth.* So help you God.

Witneſſes to be bound over.

The Examination of ſuch Witneſſes to be taken in Writing under their hands. And if they relate to the Tryal of any perſon concerning the death of the party found dead, then ſhall the Coroner bind over ſuch Witneſſes by Recogniſcance in a reaſonable Sum, not leſs than *Twenty Pounds* a piece, perſonally to appear at the next Aſſizes, or Court of Oyer and Terminer and Goal Delivery to be holden within the ſame County, then and there to teſtify their knowledge concerning the death of the ſaid *A. B.* And the Jury having viewed the Body, heard the Evidence, and made what Enquiry they can into the manner and cauſes of the death of the perſon, they ſhall draw up and deliver unto the Coroner their Verdict thereupon in writing under their Seals in manner following; which ſhall paſs by Indenture interchangeably betwixt the Coroner and the Jury.

That is to ſay,

Suffolk ſſ.

Inquiſition.

AN Inquiſition Indented, taken at *B.* within the ſaid County of *S.* the day of in the Year of the Reign of our Soveraign Lord by the Grace of God, of *England, Scotland, France* and *Ireland*, King, Defender of the Faith, *&c.* Before *T. E. Gent.* one of the Coroners of our ſaid Lord the King within the County of *S* aforeſaid, upon view of the Body of *A. B.* of *B.* aforeſaid then and there being dead, by the Oaths of *I. W. R. W. H. P. T. A. S. B. I K. L. S. E. H. R. G. P. D. C. M. S. O. G. B.* and *N. S.* good and lawful men of *B.* aforeſaid within the County aforeſaid; who being Charged and Sworn to Inquire for our ſaid Lord the King, when, and by what means, and how the ſaid *A. B.* came to his death. Upon their Oaths do ſay, *&c.*

Then inſert, how, where, at what time, by what means, with what Inſtrument, and in what manner, the party was kill'd, or came by his death.

And if it appear the perſon to have been kill'd and murthered by another that is known.

The Inquiſition muſt be concluded after this manner, viz.

And ſo the Jurors aforeſaid, upon their Oaths aforeſaid, ſay, That the aforeſaid *R. S.* in manner and form aforeſaid, the aforeſaid *A. B.*

then and there felonioufly did kill and murder againſt the peace of Our Soveraign Lord the King, his Crown and Dignity.

If it appear to be Self-murder, the Inquiſition muſt conclude after this manner, *viz.*

And ſo the Jurors aforeſaid ſay upon their Oaths, That the ſaid *A. B.* in manner and form aforeſaid, then and there voluntarily and felonioufly, as a Felon of himſelf did kill and murder himſelf, againſt the Peace of Our Soveraign Lord the King, his Crown and Dignity.

If it appear the perſon to be Slain by misfortune, the Inquiſition muſt conclude after this manner, *viz.*

And ſo the Jurors aforeſaid ſay upon their Oaths, That the aforeſaid *A. B.* in manner and form aforeſaid, was killed, or came to his death by misfortune.

If by the hands or means of any other perſon; thus, viz.

The aforeſaid *R. F.* the aforeſaid *A. B.* by misfortune and contrary to his will in manner and form aforeſaid, did Kill and Slay. In Witneſs whereof as well I the Coroner aforeſaid, as the Jurors aforeſaid to this Inquiſition have interchangeably put our Hands and Seals, the day and year above-ſaid.

And the Coroner ſhall make return of all ſuch Inquiſitions taken before him unto the Juſtices of Aſſize, Oyer and Terminer and Goal Delivery.

Alſo upon any Verdict found of the death of a perſon by the Felony or misfortune of another, ſhall ſpeedily Inform one or more of the next Juſtices of the Peace thereof, to the intent, That ſuch perſon killing, or being any ways inſtrumental to the death of another, may be apprehended, Examined and Secured in order to a Tryal.

And be it further Enacted by the Authority aforeſaid, That over and above the Fee already allowed by Law, the Coroner ſhall be allowed the Sum of *Ten Shillings Per Diem* for his Travail and Expences upon every Inquiſition by him taken, and every Juror attending the ſaid Service ſhall be allowed *Two Shillings Per Diem*, which allowances ſhall be paid out of the Eſtate of the Dead perſon, or by the Parent or Maſter where any Apprentice or Child under Age ſhall happen to be kill'd. And in want thereof to be paid by the County Treaſurer, out of the Treaſury of ſuch County; Upon Repreſentation thereof made by the Coroner to the Quarter Seſſions.

Fees.

And every Coroner within the County for which he is appointed, ſhall be, and hereby is Impowred to Serve and Execute all Writs and Proceſſes directed unto him againſt the Sheriff or Marſhal of the ſame County; And to return Jurors *de talibus circumſtantibus*, where need ſhall be, to fill up the Jury or Juries, in all cauſes wherein the Sheriff or Marſhal is concerned, or related to either of the parties in any cauſe. And ſhall have the like Fee for Serving of Writts in Civil Cauſes as is allowed by Law unto the Sheriff.

Coroners to Serve Writs, &c.

An Act providing for Poſthumus Children.

FOR *ASMUCH as it often happens that Children are not born till after the death of their Fathers, and alſo have no proviſion made for them in their Wills.*

Be it therefore Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That as often as any Child ſhall happen to be born after the death of the Father without having any proviſion made in his Will, every ſuch Poſthumus Child ſhall have Right and Intereſt in the Eſtate of his or her Father, in like manner as if he had died Inteſtate; and the ſame ſhall accordingly be aſſigned and ſet out as the Law directs for the diſtribution of the Eſtates of Inteſtates. Poſthumus Children to have a proportion, &c.

And whereas through the anguiſh of the deceaſed Teſtator; or through his ſolicitous intention tho' in health; or through the overſight of the Scribe, ſome of the Teſtators Children are omitted and not mentioned in the Will; Many Children alſo being born after the making of the Will, though in the life time of their Parents.

Be it therefore Enacted by the Authority aforeſaid, That any Child or Children not having a Legacy given them in the Will of their Father or Mother, every ſuch Child ſhall have a proportion of the Eſtate of their Parents given and ſet out unto them as the Law directs for the diſtribution of the Eſtates of Inteſtates. And ſuch as have no Legacy given them.

Provided, Such Child or Children have not had an equal proportion of his Eſtate beſtowed on them by the Father in his Life-time.

And whereas it ſometimes happens that a man having formerly made his Will, doth afterwards marry a Wife, and then dies; and the Will comes to be proved, to the injury of ſuch Wife: In all ſuch Caſes, the Widow ſhall have ſuch proportion of her late Husbands Eſtate aſſigned her, as if he had died Inteſtate, as the Law directs for the diſtribution of the Eſtates of Inteſtates. Widows not to be prejudiced by Wills made before Marriage.

Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Provided, That nothing in this Law ſhall extend to any Eſtate diſpoſed of by Will, already Settled.

An Act in addition to the Act for the equal diſtribution of Inſolvent Eſtates.

WHEREAS *in and by the Act Entituled, An Act, For the equal Diſtribution of Inſolvent Eſtates made and paſt in the Eighth Year of His Preſent Majeſties Reign, amongſt other things therein contained*: **It is Enacted,** That every Judge of Probate of Wills, and granting Adminiſtrations within the reſpective Counties, be, and thereby is fully Authorized and Impowred to call before him, and to require and adminiſter an Oath unto any perſon or perſons probably ſuſpected by any Executor or Adminiſtrator to have conceal'd, imbezel'd or convey'd away any of the Money, Goods or Chattels left by the Teſtator, or Inteſtate for the diſcovery of the ſame. And in caſe any ſuch ſuſpected perſon was betruſted by the perſon deceaſed, attended upon, or was other-

wiſe converſant with or near unto him in the time of Sickneſs, or left in poſſeſſion of the Eſtate whereby to ſtrengthen and make the ſuſpicion more violent, and ſhall refuſe to clear and acquit him or her ſelf upon Oath. It ſhall and may be lawful for, and the Judge is Impowred to commit ſuch perſon ſo refuſing to Swear, unto the Goal of the County, there to remain until he or ſhe ſhall comply to diſcharge him or her ſelf upon Oath as aforeſaid, or be releaſed by the conſent of the Executor or Adminiſtrator.

And whereas it has been obſerved, That ſometimes Executors or Adminiſtrators have neglected their duty, or been too favourable in not complaining of perſons of whom there has been juſt ſuſpicion of making concealments, imbezelments or conveying away part of the Eſtate belonging to their Teſtator or Inteſtate, whereby great wrong and injury has enſued.

For Remedy whereof.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every Judge of Probate, be, and hereby is alike Impowred to call before him, and to require and adminiſter an Oath unto any perſon or perſons probably ſuſpected of making any concealment, imbezelment or conveying away any of the Moneys, Goods or Chattels of any perſon deceaſed, as well upon the complaint of any Heir, Creditor, Legatary, or other perſon having lawful right or claim to or in ſuch Eſtate, as of the Executor or Adminiſtrator. And in caſe the party ſuſpected (ſuch ſuſpicion being ſtrengthned and made more violent for any of the cauſes before-mentioned) ſhall refuſe to diſcharge him or her ſelf upon Oath, then to proceed againſt them by Impriſonment as the afore-recited Act directs. Saving to any perſon agrieved, the liberty of an Appeal from any ſuch Sentence to the Governour & Council, the Appellant giving Security to proſecute ſuch Appeal with effect in manner as is by Law directed.

All perſons intereſted may complain of Imbezelment.

An Act Prohibiting the Exportation of Raw Hides, Upper-Leather, and Tann'd Calve-Skins, from out of this Province, other than for *England*.

WHEREAS *the frequent Shipping out of this Province, Raw Hides, Upper-Leather, and Tann'd Calve Skins for* Holland *and other Places, hath been much to the Damage of this Province, not only by reaſon of the choiceſt of ſaid Hides, and Upper-Leather going off: but the great quantities; That many times the neceſſity of the Province cannot be ſupplied.*

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from henceforth no Raw Hides, Upper Leather, or Tann'd Calve Skins, be laden on Board any Ship or Veſſel, before the Maſter give Bond to the Commiſſioner for Impoſt or Receiver for the time being, to the value of *Five Hundred Pounds*, with ſufficient Surety

Surety, that the ſame ſhall be by the ſaid Ship or Veſſel carried for *England, Wales,* Port or Town of *Berwick* upon *Tweed,* and no other place, and be there Landed, and put on Shoar (the Danger of the Seas only excepted) and ſhall in Eighteen Months time return a Certificate of the ſame. And if any ſhall preſume, to lade on board any Ship or Veſſel, any Raw Hides, Upper Leather, or Tann'd Calve Skins, before Bond be given as aforeſaid, he ſhall forfeit the ſame, and the Maſter of the Veſſel ſhall forfeit the value of all ſuch Raw Hides, Leather or Tann'd Calve-Skins that he ſhall know to be on board ſuch Veſſel.

To give Bond to Land in *England.*

Hides otherwiſe laden to be forfeit.

And if any Ship or Veſſel, ſhall carry from out of this Province, any Raw Hides, Upper-Leather or Tann'd Calve-Skins before Bond given as aforeſaid, or any Seizure be made: Every Maſter of ſuch Veſſel knowing thereof, ſhall forfeit and pay double the value of the ſame, and the Shipper double the value of what ſhall be ſo Shipped. Provided that Information Suit or Proſecution for the ſame be had and made within the ſpace of Eighteen Months next after the Offence committed, and not afterwards.

Maſter knowing of it, to forfeit double the value.

The afore-mentioned ſeveral Forfeitures, to be Recovered by Action, Bill, Plaint or Information in any of His Majeſties Courts of Record, within this Province, and to be imployed and diſpoſed of, one half thereof for and towards the Support of His Majeſties Government within the ſame, and the other half to him or them that ſhall Inform and Sue for the ſame.

And it ſhall and may be lawful to and for every Juſtice of the Peace, upon Information given of any Raw Hides, Upper-Leather, or Tann'd Calve-Skins laden or put on board any Ship or Veſſel, and Bond not given as aforeſaid, to Iſſue out his Warrant under his Hand and Seal, directed to the Water Bayliff, or to the Sheriff or his Deputy or Conſtable, requiring them reſpectively to make Seizure of any ſuch Raw Hides, Upper-Leather or Tann'd Calve Skins Shipt as aforeſaid, and to Secure them in order to Tryal, who are hereby reſpectively impowred and required to Execute ſuch Warrant.

An Act for the continuing & further granting unto His Majeſty ſeveral Duties of Impoſt and Tunnage of Shipping.

WHEREAS *the Act* Entituled, An Act, *For diſcontinuing the Duties of Impoſt granted at the Seſſion of the General Aſſembly, begun and held the Twenty fifth day of* May, One Thouſand Six Hundred Ninety Eight, *And for granting of other Duties of Impoſt inſtead thereof, made and paſt at the Second Seſſion of the ſaid General Aſſembly, continued by Prorogation unto* Tueſday *the Fifteenth of* November *following, in the Tenth Year of His Preſent Majeſties Reign, is near Expiring.*

Be it therefore Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the afore recited Act, Entituled, *An Act for diſcontinuing the Duties of Impoſt granted at the Seſſion of the General Aſſembly begun and held the Twenty-fifth day of* May, One Thouſand Six Hundred Ninety Eight: *And for granting of other*

Duties of Impoſt inſtead thereof, And all and ſingular the Paragraphs, Articles, Clauſes, Powers, Penalties and Forfeitures, and other matters and things in the ſaid Act contained, Except ſuch as in and by this preſent Act are altered, repealed, or otherwiſe provided and directed. Be, and are hereby revived and further continued to be exerciſed, paid, demanded, recovered and applied to and for the uſes in the aforeſaid Act mentioned, for and during the full time herein after ſet for the continuance of this preſent Act.

And it is further Enacted, That for every *Hundred Pound* Sterling in Engliſh Merchandizes at the prime coſt in *England,* over and above the Sum of *Ten Shillings* by the ſaid Act provided to be paid, there be paid *Ten Shillings* more to make up *Twenty Shillings* in the whole for every *Hundred Pounds* Sterling in Engliſh Merchandizes at the prime coſt in *England.*

And be it further Enacted by the Authority aforeſaid, That there ſhall be paid by the Maſter of every Ship or other Veſſel above twelve Tuns coming into any Port or Ports of this Province to Trade or Traffick, the major part of the Owners whereof are not belonging to this Province, every Voyage ſuch Ship or Veſſel does make, the Sum of *Twelve-pence per* Ton, or one pound of good and new Gunpowder for every Ton ſuch Ship or Veſſel is in burthen, to be paid unto the Commiſſioner or Receiver of the Duties of Impoſt, and to be imployed for the ſupply of His Majeſties Caſtle and Forts within this Province. And the ſaid Commiſſioner is hereby Impowred to appoint a meet and ſuitable perſon to repair unto, and on board any ſuch Ship or Veſſel, to take the exact Meaſure and Tunage thereof, in caſe he ſhall ſuſpect that the Regiſter of ſuch Ship or Veſſel doth not expreſs and ſet forth the full burthen of the ſame. The charge thereof to be paid by the Maſter or Owner of ſuch Ship or Veſſel before ſhe be Cleared, in caſe ſhe appear to be of greater burthen; otherwiſe to be paid out of the Publick Treaſury. And the ſaid Commiſſioner and Receiver for his labour, care and expences in the management of his Office and what relates thereto, ſhall have and receive out of the Publick Treaſury, the Sum of *Seventy Pounds*; his Deputy or Deputies to be paid for their Service, ſuch Sum and Sums as the ſaid Commiſſioner with the Treaſurer ſhall agree upon reaſonable Terms.

And further it is Enacted, That the Naval Officer within any of the Ports of this Province, ſhall not Clear or give Paſſes to any Maſter of any Ship or other Veſſel outward bound on any pretence whatſoever, until ſuch Maſter ſhall produce and ſhew forth unto him a Certificate under the Hand of the Commiſſioner and Receiver of the Impoſt, that the Impoſt and other Duties for the Goods laſt Imported in ſuch Ship or Veſſel are paid, or ſecured to be paid.

Provided, That this Act ſhall continue in force from the Publication thereof, until the Twenty Ninth Day of *June,* which will be in the Year of our Lord, One Thouſand Seven Hundred and One, and no longer.

An Act for Granting unto His Majesty an Excise upon Wines, Liquors and Strong Drink Sold by Retail.

WEE *His Majesties Loyal and Dutiful Subjects the Representatives of this His Province of the* Massachusetts-Bay *in* New-England, *taking into Consideration the growing Charges of the Province; for Support of the Government thereof, and defreying of the incident and contingent Charges in and about the same; for the subsisting and paying of the Souldiers belonging to the Garrison on* Castle-Island *near* Boston; *to* Fort-Mary *at* Saco; *and such as shall be imployed in His Majesties Service for and within this Province; for the payment of the Salaries and Allowances to the Officers imployed in and about the Execution of this Act; and such other Salaries and Allowances as have been or shall be made by the General Assembly, or directed by any Act thereof to be made out of the Publick Treasury. Have Chearfully and Unanimously given and granted, and do hereby give and grant unto His Most Excellent Majesty, for the ends, uses and intents aforesaid and no other, an Excise upon all* Wines, Brandy, Rhum, *and other distilled Liquors,* Beer, Ale, Perry and Cyder *that shall be Sold by Retail, in any Town or place within this Province, according to the several Rates herein after-mentioned and expressed*: And pray that it may be **Enacted.**

And be it accordingly Enacted by His Excellency the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That from and after the Twenty Ninth Day of *June*, in this present year One Thousand Seven Hundred, for and during the space of one whole year from thence next Ensuing. Every person Licensed for Retailing of Wine, Brandy, Rhum or other distilled Liquors, Beer, Ale, Perry or Cyder shall pay in currant Money of this Province the Duties of Excise following. *That is to say,*

For every Gallon of Common Wines of the Western Islands, the Sum of *Four Pence.*

For every Gallon of Passado, Malago, Malmsey, Canary or Sherry Wines, the Sum of *Eight-pence.* Duties of Excise.

For every Gallon of Madera, Port Wine, or other Wines not of any of the sorts before-mentioned, the Sum of *Six-pence.*

For every Gallon of Rhum and all other sorts of distilled Spirits, the Sum of *Eight pence.*

For every Barrel of Beer, Ale, Perry & Cyder, the Sum of *Twelve-pence.*

And after the same rate for any greater or lesser quantities.

And for the due and orderly collecting and receiving of the Excise aforesaid.

Be it further Enacted by the Authority aforesaid, That all and every person and persons Licensed, or that during the space of one year from the said Twenty ninth day of *June*, in this present year One Thousand Seven Hundred, shall be Licensed to Retail Wine, Brandy, Rhum or other distilled Liquors, Beer, Ale, Perry, or Cyder, shall keep a true and exact Accompt of all such Wine, Brandy, Rhum or distilled Liquors, Beer, Ale, Perry or Cyder, which such person or persons on the said Twenty ninth day of *June*, shall have in his, her, or their Houses or dependencies thereof, or other place or places for Sale, or which such person or persons at any time or times within the space of one year from the said Twenty ninth day of *June*, shall make, brew, distil, buy, take or receive into his, her, or their Houses, Cellars or Dependencies thereof, or into the Houses, Cellars, Vaults, Rooms or other place or places of or belonging to any other person or persons for Sale: And that such Licensed person or persons shall at the end and expiration of every three

Licensed persons to keep an account of all Liquors, &c. which they shall have in their houses, on the 29 of *June.*

months succeſſively from the twenty ninth day of *June* aforeſaid, render unto the Commiſſioner for Exciſe within ſuch County to be appointed as is hereafter mentioned, or the Officer or Officers which he ſhall imploy under him for that purpoſe, an Accompt upon Oath of all Wines, Brandy, Rhum, or diſtilled Liquors, Beer, Ale, Perry or Cyder, by ſuch perſon or perſons made, brewed, diſtilled, bought, taken or received as aforeſaid for Sale at any time or times within the ſaid ſpace of three months next foregoing, or which at the beginning of ſuch three months, ſuch perſon or perſons, had in his, her or their Houſes, Cellars or other place or places as aforeſaid for Sale, and no accompt thereof before rendred. Which Oath to the Accompts of ſuch Licenſed perſon or perſons ſhall be made before the Commiſſioner for Exciſe, or any Juſtice or Juſtices of the Peace.

And of what they ſhall further take in, &c.

And be it further Enacted by the Authority aforeſaid, That every perſon and perſons Licenſed or to be Licenſed as aforeſaid, for the Retailing of Wines, Liquors or Strong Drink, ſhall at the time of rendring his, her or their Accompt as above-mentioned, pay unto the Commiſſioner for Exciſe in the ſame County, or other Officer or Officers to be imployed under him for that purpoſe, all ſuch Sum and Sums of money as ſhall then have grown due from him, her or them for the Exciſe of Wines, Liquors or Strong Drink made, brewed, diſtilled, bought, taken in or received by him, her or them for Sale, according to the Rates herein before expreſſed: *Saving*, That Allowance ſhall be made ſuch perſon or perſons of *Five and Twenty Per Cent.* for Waſte and Leakage, which the Commiſſioner for Exciſe in each reſpective County, or his Officer or Officers as aforeſaid, is hereby ordered and directed to allow unto ſuch perſon or perſons accordingly. And every Licenſed perſon or perſons as aforeſaid that ſhall neglect to render his, her or their Accompts, and pay his, her or their Exciſe in manner and time as is herein before provided, ſhall thereby forfeit the Recogniſcance by Law appointed to be taken of ſuch perſon or perſons, for his, her or their payment of the Duties of Exciſe according to Law, for his, her or their Draught. Which Recogniſcances the Commiſſioner for Exciſe in any County by himſelf or his lawful Subſtitute or Subſtitutes is hereby Impowred to put in Suit on His Majeſties behalf againſt all and every Licenſed perſon and perſons ſo failing as aforeſaid.

To pay the Duties to the Commiſſioners.

Penalty for neglect.

And be it further Enacted by the Authority aforeſaid, That the Commiſſioners appointed for the Collecting and Receiving of the Duties of Exciſe granted by the Act of the General Aſſembly paſt at their Seſſion begun and held the Thirty firſt day of *May*, One Thouſand ſixhundred ninety nine, ſhall be and are hereby impowred to Sue for and recover any Sum or Sums of Money, due or to be due from any Retailer or Retailers according to ſaid Act, notwithſtanding the expiration of the ſame, in as full and ample manner as they might have done, during the year wherein the ſame was of force.

Commiſſioners power to Sue.

And be it further Enacted by the Authority aforeſaid, That there be one fit perſon in each County reſpectively and no more, nominated and choſen by this Court, to be Commiſſioner and Collector of the ſaid Duties of Exciſe, and to have the general inſpection, care and management of that Office, and of whatſoever relates thereunto, within ſaid reſpective Counties; Each of which Commiſſioners ſhall receive Commiſſion for the ſaid Office from the Governour, with Authority to nominate, appoint, imploy and impower, ſuch and ſo many Officers under him, as he ſhall think neceſſary for the Collecting and receiving the Duties of Exciſe aforeſaid within the County for which he

Commiſſioners to be appointed for collecting the ſaid duties.

he ſhall be Commiſſionated. And the ſaid Commiſſioners and all other Officers under them, before their entring upon the Execution of their reſpective Offices ſhall be Sworn to deal truly & faithfully therein. And the ſaid Commiſſioners ſhall alſo keep fair Books of all duties ariſing by virtue of this Act, which ſhall lye open at all ſeaſonable times to the view & peruſal of the Treaſurer & Receiver General of this Province, with whom they ſhall likewiſe Accompt for all Collections and Payments; and pay in all ſuch Monies as ſhall be in their hands, unto the ſaid Treaſurer, as he ſhall demand it. And the ſaid Commiſſioners for their labour, care and expences in the ſaid Office, ſhall have and receive the Sum of *Two Shillings* on the Pound for all ſuch Sum and Sums as ſhall be Collected and Received by them reſpectively by virtue of this Act, for their own Service, Pains and Expences, and the payment of all Officers imployed under them, Excepting the Commiſſioner for the County of *Suffolk*, who ſhall have *One Shilling* on the Pound for ſuch Sums Collected. Commiſſioners allowance.

And be it further Enacted by the Authority aforeſaid, That every perſon that ſhall preſume to Sell any Wine, Brandy, Rhum, or other diſtilled Liquors, Beer, Ale, Perry or Cyder, by Retail, without having Licence according to Law for the ſame, ſhall forfeit and pay the Sum of *Four Pounds*, one half thereof to the Informer, and the other half to and for the uſe and ſupport of a Free Grammar or Writing School or Schools in the Town where the Offence ſhall be committed: And in caſe there be not any ſuch School in the Town where the Offence ſhall be committed, then to the uſe of any ſuch School in the Town next adjacent, and that any Juſtice of the Peace be, and hereby is Impowred to hear and determine any ſuch Offence or Offences. Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Penalty for Selling without Licence.

Provided, That this Act ſhall continue in force for the ſpace of one whole year from and after the Twenty Ninth Day of *June*, in this preſent Year One Thouſand Seven Hundred, and no longer.

An Act for preventing abuſes to the Indians.

WHereas *ſome of the principal and beſt diſpoſed* Indians *within this Province, have repreſented & complained of the Exactions & Oppreſſion, which ſome of the* Engliſh *exerciſe towards the* Indians, *by drawing them to conſent to, covenant or bind themſelves or Children Apprentices or Servants for an unreaſonable term, on pretence of, or to make ſatisfaction for ſome ſmall debt contracted, or damage done by them.*

For Redreſs whereof,

Be it Enacted and Declared by His Excellency the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That from & after the Publication of this Act, no *Indian* ſhall contract or put or bind him or her ſelf or Child Apprentice or a Servant to any of His Majeſties Subjects, for any time or term of years, but by and with the Allowance and Approbation of two or more of His Majeſties Juſtices of the Peace, who are required to take ſpecial care that the Contract or Covenant ſo to be made, and the condition or terms thereof be equal and reaſonable both with reſpect to the time for Service and otherwiſe. No Indian to be put out Apprentice but by the allowance of two Juſtices.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the General Seſſions of the Peace within the reſpective Counties, be, and hereby are impowred upon complaint made by any *Indian* Native of this Country, that is or ſhall be agrieved by reaſon of any Indenture, Covenant or Agreement heretofore made for any time or term of Service, not yet expired; to hear and relieve ſuch *Indian* according to Juſtice and Equity, and to regulate and order the time for ſuch Service, as they ſhall judge reaſonable. Seſſions of the Peace to hear and relieve ſuch as are agrieved

An

An Act in addition to the Act for due Regulation of Weights and Measures.

FOR Remedying of Unrighteouſneſs and Oppreſſion in dealing by the uſe of Meaſures that are not of due breadth for Meal, Fruits and other things uſually Sold by heap.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all Meaſures by which Meal, Fruits, and all other things uſually Sold by heap, ſhall be Sold, be conformable as to bigneſs to the declared Publick allowed Standards mentioned in the Act made and paſſed by the General Aſſembly in the Year One Thouſand Six Hundred Ninety Two, Entituled, *An Act, For due Regulation of Weights and Meaſures*: And ſhall be of the full breadths following: *That is to ſay,* The Buſhel not leſs within ſide then Eighteen Inches and half wide. The half Buſhel not leſs then Thirteen Inches and three quarters wide. The Peck not leſs than Ten Inches and three quarters wide. And the half Peck not leſs than Nine Inches wide.

The wedth of Meaſures for things Sold by heap.

And if any perſon at any time from and after the firſt day of *October* next, after the Publication of this Act, ſhall Sell, expoſe to Sale, or offer any Meal, Fruits or other things uſually Sold by heap, by any other meaſure than is afore-mentioned as to bigneſs and breadth. Such perſon being complained of, and convicted before any Juſtice of the Peace of ſo doing, ſhall forfeit and pay to the uſe of the Poor of the Town where the Offence is committed, the full value of the Meal, Fruits or other things ſo Sold or offered to Sale; and ſuch Juſtice may commit the Offender to Priſon until payment be made of the ſaid Forfeiture, or cauſe the ſame to be Levied by Warrant of Diſtreſs, and paid in unto the Town Treaſurer or Overſeers of the Poor, to the uſe of the Poor as aforeſaid, and ſhall alſo cauſe ſuch Meaſure to be defaced. Any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

Penalty for Selling by other Meaſures.

An Act for Reviving and continuing of the Act Entituled, *An Act for giving neceſſary ſupplys to the Eaſtern Indians, and for Regulating of Trade with them.*

WHEREAS the Act Entituled, An Act for giving neceſſary Supplies to the Eaſtern Indians, and for Regulating of Trade with them, *made and paſſed by the General Aſſembly of this Province in the Eleventh year of His Preſent Majeſties Reign, is near expiring.*

Be it therefore Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and it is Enacted by the Authority of the ſame, That the aforeſaid Act Entituled, *An Act for giving neceſſary Supplies to the Eaſtern Indians, and for Regulating of Trade with them*; and all and ſingular the Paragraph's, Clauſes and Articles thereof, Powers, Penalties, Forfeitures, matters and things therein contained, be, and hereby are revived and further continued to abide and remain in full force, and to be exerciſed, practiſed and put in Execution for the ends, uſes and purpoſes therein mentioned, until the end of the Seſſion of the Great and General Court or Aſſembly to be convened, held and kept on the laſt *Wedneſday* of *May* next, which will be in the Year of our Lord God, One Thouſand Seven Hundred and One, and no longer.